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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,579	10/17/2003	Alan K. Forsythe	GTDV120953	2274
26389	7590	09/21/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			JACKSON, ANDRE L	
1420 FIFTH AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
SEATTLE, WA 98101-2347			3677	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/688,579

Applicant(s)

FORSYTHE, ALAN K.

Examiner

Andre' L. Jackson

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/3/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

*DETAILED ACTION*

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,709,188 to Ushimaru. Ushimaru (Figs. 4 and 5) discloses a knob unit comprising;

a control device (1); an actuation member (20) coupled to the control device and having a first projection (22) with a first engagement surface (22a) and a second projection (22) with a second engagement surface (22a); and a gripping device (25) having a first protrusion (26) with a first interference surface (26a) and a second protrusion (26) with a second interference surface (26a) thereof, wherein the gripping device is adapted to be selectively keyed upon the actuation member in a first orientation or a second orientation by selective interaction of the first projection with the first protrusion or the second projection with the second protrusion, and wherein the gripping device is selectively coupled to the actuation member and is positionable between a locked position, wherein the gripping device is coupled to the actuation member by interference of the first engagement surface with the first interference surface and the second engagement surface with the second interference surface, and an unlocked position, wherein the gripping device is selectively removable from the actuation member.

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As to claims 5, 6, 10, 16, 17, 21, 28 and 31, Ushimaru discloses that the knob unit further comprising a plurality of locking members (21c) coupled to the actuation member, each locking member positioned to engage and press against the first and second projections respectively to aid in holding the gripping device in a locked position.

As to claims 7, 18 and 29, Ushimaru discloses sidewall surfaces (L-shaped section) formed at the protrusions of the gripping device, the sidewall surfaces adapted to engage the locking members when the gripping device is in an unlocked position. The sidewall surfaces include an inclined relative to a plane passing through a center axis of the actuation member.

As to claims 8, 11, 19, 22 and 32, Ushimaru discloses a limit stop (24) and an additional limit stop (24a) formed integrally with the actuation member, the first limit stop positioned to engage a first protrusion (27) and the additional limit stop positioned to engage a second protrusion (28) respectively disposed on the gripping device to aid in holding the gripping device in the locked position.

### ***Response to Applicant's Arguments***

Applicant's arguments filed in the Amendment of July 7, 2005, with respect to the rejection(s) of claim(s) 1-33 over #334,937 to Comstock have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly discovered prior art references. Specifically, #6,709,188 to Ushimaru has been cited and applied to applicant's claims. Accordingly, claims 1-33 are found to be unpatentable over Ushimaru.

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*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In particular, Keith and Harmon et al disclose control knob assemblies, both comprising a gripping member, an actuation member and a control member coupled together as a knob assembly capable of meeting the limitations of applicant's base claims at the least.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (9:30 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ROBERT J. SANDY  
PRIMARY EXAMINER